

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

CHANNEL BIO CORPORATION,

Plaintiff,

v.

ERIC LEWIS, *et al.*,

Defendants.

Case No. 08-cv-57-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Clay County State Bank's (hereinafter "CCSB") Motion to (Voluntarily) Dismiss (Doc. 133). CCSB asserted numerous crossclaims against Eric Lewis (hereinafter "Lewis") in this matter and has apparently inherited the crossclaims of Eric Bernhard, Sandra Bernhard, Mike Ziegler, Jane Ziegler, Donnie Dueker, Jennifer Dueker, DJD-3, Inc., and D & Z Land Trust. In order to voluntarily dismiss one's crossclaims, a party must so move either before a responsive pleading is served or, if no responsive pleading exists, before evidence is introduced at a hearing or trial. Fed. R. Civ. P. 41(c). Here, CCSB has moved before Lewis served a response to any of the crossclaims in this matter or introduced any evidence at a hearing or trial.

Accordingly, the Court **GRANTS** the instant motion (Doc. 133) and **DISMISSES without prejudice** the claims of CCSB, Eric Bernhard, Sandra Bernhard, Mike Ziegler, Jane Ziegler, Donnie Dueker, Jennifer Dueker, DJD-3, Inc., and D & Z Land Trust against Lewis. As an aside, the Court notes that this terminates all of the parties and claims in this matter, excepting Channel Bio Corporation and its claims against Lewis.

IT IS SO ORDERED.
DATED: January 20, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE